

REMARKS

Claims 1-62 are pending and have been restricted under 35 U.S.C. § 121 into the following four groups set forth in the Restriction Requirement mailed November 15, 2005:

- Group I: Claims 1-28 are drawn to a method to accelerate the cell cycle by delivering an effective amount of electromagnetic energy to activate a cell cycle regulator, a signal transduction protein, a transcription factor, a DNA synthesis protein, or a receptor or by delivering an effective amount of electromagnetic energy to inhibit an angiotensin receptor, classified in class 435, subclass 173.8, for example;
- Group II: Claims 29-32 are drawn to a method of reducing information by delivering an effective amount of electromagnetic energy, classified in class 435, subclass 173.1, for example;
- Group III: Claims 33-52 are drawn to a method for stimulating formation of a tissue or administered cells by delivering an effective amount of electromagnetic energy, classified in class 435, subclass 173.8, for example;
- Group IV: Claims 53-62 are drawn to a method for monitoring progress of electromagnetic therapy by detecting levels of a cell cycle regulator, a signal transduction protein, a transcription factor,, a DNA synthesis protein or a receptor and a method of modifying electromagnetic therapy by monitoring levels of said factors and proteins, classified in class 435, subclass 173.1, for example.

The Examiner states that the inventions of Group I-IV are biologically and functionally distinct from each other and thus one does not render the others obvious. Also, the Examiner states that the methods comprise steps that are not required for or present in the methods of the other groups.

Applicants elect the claims of Group I, Claims 1-28 with traverse for prosecution in the above-identified Application.

The Examiner states that the application contains claims (8, 23 and 36) directed to the following patentably distinct species of the claimed invention: fibroblast, neuronal cell, epithelial cell, macrophage, neutrophil, keratinocyte, endothelial cell, epidermal melanocyte, hair follicle papilla cell, skeletal muscle cell, smooth muscle cell, osteoblast, neuron, chondrocyte, hepatocyte, pancreatic cell, kidney cell, aortic cell, bronchial cell and tracheal cell. Thus, Applicants are also required to elect a single disclosed species for prosecution under 35 U.S.C. §121.

Applicants elect the Species “fibroblast” of Group I with traverse for prosecution in the above-identified application. The Examiner is invited to call the undersigned agent if there are any questions. Claims of Group I readable on the elected species are Claims 1-23.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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